

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

KORY DAVID JOHNSON; and
APRIL ELIZABETH BERGMAN

INDICTMENT

Case No. _____

Violations: 18 U.S.C. §§ 922(g)(1), 922(j),
924(a)(2), 924(a)(8), 932(a)(1), and
932(a)(2)

COUNT ONE

Possession of Firearms by a Prohibited Person

The Grand Jury Charges:

From on or about June 17, 2023, to July 1, 2023, in the District of North Dakota,

KORY DAVID JOHNSON,

knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

1. Possession of a Controlled Substance – Methamphetamine – 2nd Offense, a Class C felony, in violation of N.D.C.C. § 19-03.1-23(7)(a), and Unlawful Possession of Drug Paraphernalia – Use – Schedule I, II, III – 2nd Offense, in violation of N.D.C.C. § 19-03.4-03(2), in District Court, County of Grand Forks, State of North Dakota, case number: 18-2022-cr-02214, with judgment dated on or about October 26, 2022;
2. Criminal Conspiracy, a Class C Felony, in violation of N.D.C.C. § 12.1-06-04, and Theft of Property, a Class C Felony, in violation of N.D.C.C. § 12.1-23-02, in District Court, County of Stutsman, State of North Dakota, case number: 47-2022-cr-00006, with judgment dated on or about February 14, 2022;
3. Failure to Appear After Release – Bail Jumping – Felony Offense, a Class C Felony, in violation of N.D.C.C. § 12.1-08-05(1), in District Court, County of Ward, State of North Dakota, case number: 51-2019-CR-00866, with judgment dated on or about August 13, 2019;

4. Burglary, a Class C Felony, in violation of N.D.C.C. § 12.1-22-02(1), in District Court, County of Ward, State of North Dakota, case number: 51-2019-cr-00392, with judgment dated on or about August 13, 2019;
5. Theft-Take-Government Record, a Class C Felony, in violation of N.D.C.C. § 12.1-23-02(1), in District Court, County of Ward, State of North Dakota, case number: 51-2019-cr-00116, with judgment dated on or about August 13, 2019; and
6. Burglary – Night, a Class B Felony, in violation of N.D.C.C. § 12.1-22-02(1), in District Court, County of Ward, State of North Dakota, case number: 51-2018-cr-02390, with judgment dated on or about August 13, 2019;

did knowingly possess firearms, to-wit:

1. a Taurus, Model TX22, .22LR caliber pistol, with Serial Number 1TJ022720;
2. a Sig Sauer, Model P365, 9mm caliber pistol, with Serial Number 66B284561;
3. a Beretta, Model PX4 Storm, .40 caliber pistol, with Serial Number PY131999; and
4. a Smith and Wesson, Model M&P 40 Shield, .40 caliber pistol, with Serial Number HPB0170;

said firearms having been shipped and transported in interstate and foreign commerce;

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT TWO

Possession of Firearms by a Prohibited Person

The Grand Jury Further Charges:

From on or about July 1, 2023, to July 17, 2023, in the District of North Dakota,

APRIL ELIZABETH BERGMAN,

knowing that she had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

1. Theft of Property, a Class B Felony, in violation of N.D.C.C. § 12.1-23-02, in District Court, County of Stutsman, State of North Dakota, case number: 47-2021-cr-00054, with judgment dated on or about April 21, 2021;
2. Theft of Property, a Class B Felony, in violation of N.D.C.C. § 12.1-23-02, in District Court, County of Stutsman, State of North Dakota, case number: 47-2020-cr-00663, with judgment dated on or about April 21, 2021;
3. Theft of Property, a Class C Felony, in violation of N.D.C.C. § 12.1-23-02, in District Court, County of Stutsman, State of North Dakota, case number: 47-2020-cr-00655, with judgment dated on or about April 21, 2021;
4. Criminal Trespass, a Class C Felony, in violation of N.D.C.C. § 12.1-22-03, in District Court, County of Stutsman, State of North Dakota, case number: 47-2020-cr-00651, with judgment dated on or about April 21, 2021;
5. Unlawful Entry into a Vehicle – Commit Crime, a Class C Felony, in violation of N.D.C.C. § 12.1-22-04(1)(b), in District Court, County of Stutsman, State of North Dakota, case number: 47-2020-cr-00460, with judgment dated on or about October 7, 2020;
6. Unauthorized Use of a Vehicle, a Class C Felony, in violation of N.D.C.C. § 12.1-23-06, and Possession of a Controlled Substance, a Class C Felony, in violation of N.D.C.C. § 19-03.1-23, and Possession of Drug Paraphernalia, a Class C Felony, in violation of N.D.C.C. § 19-03.4-03, in District Court, County of Stutsman, State of North Dakota, case number: 47-2018-cr-00765, with judgment dated on or about January 23, 2019;

7. Possession of a Controlled Substance with Intent to Deliver, a Class B Felony, in violation of N.D.C.C. § 19-03.1-23(1), Possession of Drug Paraphernalia, a Class C Felony, in violation of N.D.C.C. § 19-03.4-03, Possession of Drug Paraphernalia, a Class C Felony, in violation of N.D.C.C. § 19-03.4-03, and Possession of a Controlled Substance, a Class C Felony, in violation of N.D.C.C. § 19-03.1-23, in District Court, County of Stutsman, State of North Dakota, case number: 47-2018-cr-00161, with judgment dated on or about April 25, 2018;
8. Criminal Mischief – Willful – Damage – Intentional more than \$10,000, a Class B Felony, in violation of N.D.C.C. § 12.1-21-05(1)(b), in District Court, County of Cass, State of North Dakota, case number: 09-2017-cr-04949, with judgment dated on or about June 28, 2018;
8. Criminal Trespass, a Class C Felony, in violation of N.D.C.C. § 12.1-22-03(1), in District Court, County of Stutsman, State of North Dakota, case number: 47-2013-cr-00656, with judgment dated on or about June 20, 2014;
9. Contact by Bodily Fluid or Excrement, a Class C Felony, in violation of N.D.C.C. § 12.1-17-11(1)(a), in District Court, County of Stutsman, State of North Dakota, case number: 47-2014-cr-00215, with judgment dated on or about June 20, 2014;
10. Abuse or Neglect of a Child, a Class C Felony, in violation of NDCC § 14-09-22(1)(a), in District Court, County of Stutsman, State of North Dakota, case number: 47-07-k-445, with judgment dated on or about July 2, 2009;
11. Simple Assault, a Class C Felony, in violation of N.D.C.C. § 12.1-17-01(1)(a), in District Court, County of Stutsman, State of North Dakota, case number: 47-07-k-446, with judgment dated on or about April 18, 2008; and
12. Criminal Conspiracy, a Class C Felony, in violation of N.D.C.C. § 12.1-06-04(1), in District Court, County of Stutsman, State of North Dakota, case number: 47-08-k-59 with judgment dated on or about April 18, 2008;

did knowingly possess firearms, to-wit:

1. a Sig Sauer, Model P365, 9mm caliber pistol, with Serial Number 66B284561;
2. a Beretta, Model PX4 Storm, .40 caliber pistol, with Serial Number PY131999; and

3. a Smith and Wesson, Model M&P 40 Shield, .40 caliber pistol, with Serial Number HPB0170;

said firearms having been shipped and transported in interstate and foreign commerce;

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT THREE

Firearms Trafficking

The Grand Jury Further Charges:

From on or about June 25, 2023, to July 9, 2023, in the District of North Dakota,

KORY DAVID JOHNSON,

did ship, transport, transfer, cause to be transported, and otherwise dispose of a firearm,
to wit:

1. a Sig Sauer, Model P365, 9mm caliber pistol, with Serial Number 66B284561;
2. a Beretta, Model PX4 Storm, .40 caliber pistol, with Serial Number PY131999; and
3. a Smith and Wesson, Model M&P 40 Shield, .40 caliber pistol, with Serial Number HPB0170;

to APRIL ELIZABETH BERGMAN, in and otherwise affecting commerce, knowing and
having reasonable cause to believe that the use, carrying, and possession of the firearm by
APRIL ELIZABETH BERGMAN would constitute a felony;

In violation of violation of Title 18, United States Code, Section 933(a)(1) and 2.

COUNT FOUR

Firearms Trafficking

The Grand Jury Further Charges:

From on or about June 25, 2023, to July 9, 2023, in the District of North Dakota,

APRIL ELIZABETH BERGMAN

did receive from another person, in and otherwise affecting interstate and foreign commerce, a firearm, to wit:

1. a Sig Sauer, Model P365, 9mm caliber pistol, with Serial Number 66B284561;
2. a Beretta, Model PX4 Storm, .40 caliber pistol, with Serial Number PY131999; and
3. a Smith and Wesson, Model M&P 40 Shield, .40 caliber pistol, with Serial Number HPB0170;

knowing and having reasonable cause to believe that such receipt would constitute a felony;

In violation of violation of Title 18, United States Code, Section 933(a)(2) and 2.

COUNT FIVE

Possession of Stolen Firearms

The Grand Jury Further Charges:

From on or about June 17, 2023, to July 1, 2023, in the District of North Dakota,

KORY DAVID JOHNSON

knowing possessed stolen firearms, that is:

1. a Taurus, Model TX22, .22LR caliber pistol, with Serial Number 1TJ022720;
2. a Sig Sauer, Model P365, 9mm caliber pistol, with Serial Number 66B284561;
3. a Beretta, Model PX4 Storm, .40 caliber pistol, with Serial Number PY131999; and
4. a Smith and Wesson, Model M&P 40 Shield, .40 caliber pistol, with Serial Number HPB0170;

which had been shipped and transported in interstate and foreign commerce, knowing and having reasonable cause to believe the firearms were stolen;

In violation of Title 18, United States Code, Sections 922(j) and 924(a)(2).

A TRUE BILL:

/s/ Foreperson
Foreperson

/s/ Mac Schneider
MAC SCHNEIDER
United States Attorney

RML/tl